

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HERMAN L. FULTON,

Petitioner,

v

Case No. 1:04-cv-183

RAYMOND BOOKER,

Hon. Wendell A. Miles

Respondent.

ORDER ON PETITIONER'S OBJECTIONS TO MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

On February 21, 2007, United States Magistrate Judge Ellen S. Carmody issued a Report and Recommendation ("R & R") recommending that Herman Fulton's petition for writ of habeas corpus be denied. The petitioner has filed objections to the R & R.

The court, having reviewed the R & R filed by the United States Magistrate Judge in this action, having reviewed the Amended Petition and relevant portions of the record, and having reviewed the petitioner's objections, concludes that the Magistrate Judge did not err in concluding that the petition should be denied because the petitioner had procedurally defaulted on four of his claims and had failed to exhaust state remedies on his fifth claim.

The court therefore adopts the Magistrate Judge's R & R as the decision of the court. Judgment will be entered accordingly.

So ordered this 20th day of March, 2007.

/s/ Wendell A. Miles
Wendell A. Miles, Senior Judge